

Chapter 2

Employees and Compensation

36-2-1 Legislative in-session employees.

In-session employees of the Legislature are those employees who are hired to perform seasonal work associated with a legislative session, and may consist of a journal clerk of the Senate and a journal clerk of the House, a docket clerk of the Senate and a docket clerk of the House, a reading clerk of the Senate and a reading clerk of the House, and such other employees as may be found necessary.

Amended by Chapter 71, 2015 General Session

36-2-2 Salaries and expenses of members -- Compensation of in-session employees.

- (1)
 - (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
 - (b) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, members of the Legislature shall receive a salary for attendance at a veto-override, special session, and other authorized legislative meetings equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
- (2)
 - (a) Unless rejected or lowered as provided in Section 36-2-3, beginning in 2001 and in each odd-numbered year after that year, the president of the Senate and the speaker of the House of Representatives shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
 - (b) Beginning in 2001 and in each odd-numbered year after that year, the majority and minority leadership of each house shall receive a salary equal to the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the previous even-numbered year.
- (3) The Legislature shall:
 - (a) establish, by joint rule of the Legislature, the expenses of its members; and
 - (b) ensure that the rules governing expenses are based upon:
 - (i) payment of necessary expenses for attendance during legislative sessions;
 - (ii) a mileage allowance; and
 - (iii) reimbursement for other expenses involved in the performance of legislative duties.
- (4)
 - (a) The Legislature shall establish the compensation of in-session employees by joint resolution at each session of the Legislature.
 - (b) For necessary work done by in-session employees of the Legislature after the adjournment of a session, the presiding officer of the house employing that work shall approve payment for the work.

Amended by Chapter 133, 2010 General Session

36-2-3 Salaries of members set by Legislature and State Board of Education based on recommendations of Legislative Compensation Commission.

- (1)
 - (a) Except as provided in Subsection (2) or (3), the salaries of members of the Legislature shall automatically be set beginning January 1 of each odd-numbered year at the amount recommended by the Legislative Compensation Commission in the last report issued by the commission in the preceding even-numbered year.
 - (b) This salary recommendation shall be based on either:
 - (i) a daily basis:
 - (A) for each calendar day for annual general sessions; and
 - (B) for each day a legislator attends veto-override and special sessions and other authorized legislative meetings; or
 - (ii) an annualized salary.
 - (c) In preparing its report, the commission may recommend salary amounts that:
 - (i) take into account the amounts received by legislators for legislative expenses; and
 - (ii) provide alternative salary amounts based upon the occurrence of various contingencies.
- (2)
 - (a) During an even-numbered annual general session or special session in the year immediately preceding the effective date of any salary change, the Legislature may reject or decrease the salary recommendation, but may not increase the salary recommendation.
 - (b) If the Legislature does not act as provided in Subsection (2)(a), they have by law accepted the Legislative Compensation Commission's recommendations contained in the last report issued by the commission in the preceding even-numbered year.
- (3) If the last report issued by the commission in an even-numbered year recommends a salary contingent upon certain action being taken by the Legislature, that contingent legislative salary:
 - (a) takes effect on the day after the day that the contingent action is taken by the Legislature; and
 - (b) supersedes any other salary in effect as of January 1.
- (4)
 - (a) The salary for a member of the State Board of Education shall be:
 - (i) the same as the salary for a member of the Legislature; and
 - (ii) except as provided in Subsection (4)(b), set in accordance with this section and Subsection 36-2-2(1).
 - (b) For purposes of setting the salary for a member of the State Board of Education:
 - (i) a calendar day for the annual general session described in Subsection (1)(b)(i)(A) is interpreted as a calendar day of:
 - (A) a meeting of the State Board of Education; and
 - (B) any other meeting authorized by the State Board of Education; and
 - (ii) unless the Legislative Compensation Commission issues a revised report on or after July 1, 2016, the salary for a member of the State Board of Education through calendar year 2016 is \$273 per day for each calendar day that a member attends a meeting described in Subsection (4)(b)(i)(A) or (B).

Amended by Chapter 61, 2016 General Session

36-2-4 Legislative Compensation Commission created -- Governor's considerations in appointments -- Organization and expenses.

- (1) There is created a state Legislative Compensation Commission composed of seven members appointed by the governor, not more than four of whom shall be from the same political party.
- (2)
 - (a) Except as required by Subsection (2)(b), the members shall be appointed for four-year terms.
 - (b) Notwithstanding the requirements of Subsection (2)(a), the governor shall, at the time of appointment or reappointment, adjust the length of terms to ensure that the terms of board members are staggered so that approximately half of the board is appointed every two years.
 - (c) When a vacancy occurs in the membership for any reason, the replacement shall be appointed for the unexpired term in the same manner as the vacated member was chosen.
- (3) In appointing members of the commission, the governor shall give consideration to achieving representation from the major geographic areas of the state, and representation from a broad cross section of occupational, professional, employee, and management interests.
- (4) The commission shall select a chair. Four members of the commission shall constitute a quorum. The commission shall not make any final determination without the concurrence of a majority of its members appointed and serving on the commission being present.
- (5) A member may not receive compensation or benefits for the member's service, but may receive per diem and travel expenses in accordance with:
 - (a) Section 63A-3-106;
 - (b) Section 63A-3-107; and
 - (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and 63A-3-107.
- (6)
 - (a) The commission shall be a citizen commission and no member or employee of the legislative, judicial, or executive branch is eligible for appointment to the commission.
 - (b) The executive director of the Governor's Office of Management and Budget:
 - (i) shall provide staff to the commission; and
 - (ii) is responsible for administration, budgeting, procurement, and related management functions for the commission.

Amended by Chapter 310, 2013 General Session

36-2-5 Duties of Legislative Compensation Commission.

- (1) The Legislative Compensation Commission shall:
 - (a) study and formulate recommendations concerning the salary levels for Utah state legislators;
 - (b) base the study and recommendations upon maintaining a citizen Legislature in Utah, but compensating members fairly for their service in order that all individuals would have an opportunity to serve;
 - (c) in developing recommendations, consider the salaries of other similar state legislators and other such factors; and
 - (d) submit to each member of the Legislature, by January 2nd of each even-numbered year, recommendations:
 - (i) concerning changes, if any, which should be made in the salary plan and its administration for state legislators; and
 - (ii) include a recitation of the provisions of Section 36-2-3.
- (2) The Legislative Compensation Commission may issue reports subsequent to January 2 of an even-numbered year containing revised salary recommendations, including salary recommendations contingent upon certain action being taken by the Legislature.

- (3) As provided in Subsection 36-2-3(1)(c), in formulating its recommendations, the commission may take into account the amounts received by legislators for legislative expenses, but may not review the propriety of, or recommend amounts for, legislative expenses.

Amended by Chapter 133, 2010 General Session